

The House Committee on Judiciary Non-civil offers the following substitute to HB 50:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to  
2 juvenile proceedings, so as to enact The Interstate Compact for Juveniles; to provide for a  
3 short title; to revise and provide for definitions; to change provisions relating to interstate  
4 proceedings; to provide for implementation of said compact; to provide for powers and  
5 duties, organization, operation, rule making, dispute resolution, and finances of the interstate  
6 commission; to provide for the State Council for Interstate Juvenile Supervision; to provide  
7 for withdrawal from the compact; to provide for a compact administrator; to amend Title 39  
8 of the Official Code of Georgia Annotated, relating to minors, so as to repeal the Interstate  
9 Compact on Juveniles; to amend Title 49 of the Official Code of Georgia Annotated relating  
10 to social services, so as to correct cross-references; provide for related matters; to provide  
11 for effective dates; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **PART I.**  
14 **SECTION 1-1.**

15 Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile  
16 proceedings, is amended by adding a new article to read as follows:

17 "ARTICLE 7

18 15-11-220.

19 This article shall be known and may be cited as 'The Interstate Compact for Juveniles.'

1 15-11-221.

2 The Governor of this state is authorized and directed to execute a compact on behalf of the  
3 State of Georgia with any of the United States legally joining therein in the form  
4 substantially as follows:

5 'ARTICLE I

6 Purpose.

7 The compacting states to this interstate compact recognize that each state is responsible for  
8 the proper supervision or return of juveniles, delinquents, and status offenders who are on  
9 probation or parole and who have absconded, escaped, or run away from supervision and  
10 control and in so doing have endangered their own safety and the safety of others. The  
11 compacting states also recognize that each state is responsible for the safe return of  
12 juveniles who have run away from home and in doing so have left their state of residence.  
13 The compacting states also recognize that Congress, by enacting the Crime Control Act,  
14 4 U.S.C. Section 112 (1965), has authorized and encouraged compacts for cooperative  
15 efforts and mutual assistance in the prevention of crime. It is the purpose of this compact,  
16 through means of joint and cooperative action among the compacting states, to:

17 (1) Ensure that the adjudicated juveniles and status offenders subject to this compact are  
18 provided adequate supervision and services in the receiving state as ordered by the  
19 adjudicating judge or parole authority in the sending state;

20 (2) Ensure that the public safety interests of the citizens, including the victims of juvenile  
21 offenders, in both the sending and receiving states are adequately protected;

22 (3) Return juveniles who have run away, absconded, or escaped from supervision or  
23 control or have been accused of an offense to the state requesting their return;

24 (4) Make contracts for the cooperative institutionalization in public facilities in member  
25 states for delinquent youth needing special services;

26 (5) Provide for the effective tracking and supervision of juveniles;

27 (6) Equitably allocate the costs, benefits, and obligations of the compacting states;

28 (7) Establish procedures to manage the movement between states of juvenile offenders  
29 released to the community under the jurisdiction of courts, juvenile departments, or any  
30 other criminal or juvenile justice agency which has jurisdiction over juvenile offenders;

31 (8) Ensure immediate notice to jurisdictions where defined offenders are authorized to  
32 travel or to relocate across state lines;

33 (9) Establish procedures to resolve pending charges (detainers) against juvenile offenders  
34 prior to transfer or release to the community under the terms of this compact;

(10) Establish a system of uniform data collection of information pertaining to juveniles subject to this compact that allows access by authorized juvenile justice and criminal justice officials and regular reporting of compact activities to heads of state executive, judicial, and legislative branches and juvenile and criminal justice administrators;

(11) Monitor compliance with rules governing interstate movement of juveniles and initiate interventions to address and correct noncompliance;

(12) Coordinate training and education regarding the regulation of interstate movement of juveniles for officials involved in such activity; and

(13) Coordinate the implementation and operation of the compact with the Interstate Compact for the Placement of Children, the Interstate Compact for Adult Offender Supervision, and other compacts affecting juveniles particularly in those cases where concurrent or overlapping supervision issues arise.

It is the policy of the compacting states that the activities conducted by the interstate commission are the formation of public policies and therefore are public business. Furthermore, the compacting states shall cooperate and observe their individual and collective duties and responsibilities for the prompt return and acceptance of juveniles subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the purposes and policies of the compact.

## ARTICLE II

### Definitions.

As used in this compact, unless the context clearly requires a different construction, the term:

(1) "Bylaws" means those bylaws established by the interstate commission for its governance or for directing or controlling its actions or conduct.

(2) "Commissioner" means the voting representative of each compacting state appointed pursuant to Article III of this compact.

(3) "Compact administrator" means the individual in each compacting state appointed pursuant to the terms of this compact and responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the interstate commission, and policies adopted by the state council under this compact.

(4) "Compacting state" means any state which has enacted the enabling legislation for this compact.

(5) "Court" means any court having jurisdiction over delinquent, neglected, or dependent children.

1 (6) "Deputy compact administrator" means the individual, if any, in each compacting  
2 state appointed to act on behalf of a compact administrator pursuant to the terms of this  
3 compact responsible for the administration and management of the state's supervision  
4 and transfer of juveniles subject to the terms of this compact, the rules adopted by the  
5 interstate commission, and policies adopted by the state council under this compact.

6 (7) "Interstate commission" means the Interstate Commission for Juveniles created by  
7 Article III of this compact.

8 (8) "Juvenile" means any person defined as a juvenile in any member state or by the rules  
9 of the interstate commission, including:

10 (A) Accused delinquent – a person charged with an offense that, if committed by an  
11 adult, would be a criminal offense;

12 (B) Adjudicated delinquent – a person found to have committed an offense that, if  
13 committed by an adult, would be a criminal offense;

14 (C) Accused status offender – a person charged with an offense that would not be a  
15 criminal offense if committed by an adult;

16 (D) Adjudicated status offender – a person found to have committed an offense that  
17 would not be a criminal offense if committed by an adult; and

18 (E) Nonoffender – a person in need of supervision who has not been accused or  
19 adjudicated a delinquent or status offender.

20 (9) "Noncompacting state" means any state which has not enacted the enabling  
21 legislation for this compact.

22 (10) "Probation or parole" means any kind of supervision or conditional release of  
23 juveniles authorized under the laws of the compacting states.

24 (11) "Rule" means a written statement by the interstate commission promulgated  
25 pursuant to Article VI of this compact that is of general applicability; implements,  
26 interprets, or prescribes a policy or provision of the compact; is an organizational,  
27 procedural, or practice requirement of the interstate commission; and has the force and  
28 effect of statutory law in a compacting state. Such term includes the amendment, repeal,  
29 or suspension of an existing rule.

30 (12) "State" means a state of the United States, the District of Columbia or its designee,  
31 the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American  
32 Samoa, and the Northern Marianas Islands.

## ARTICLE III

## Interstate Commission for Juveniles.

(a) The compacting states hereby create the "Interstate Commission for Juveniles." The interstate commission shall be a body corporate and joint agency of the compacting states. The interstate commission shall have all the responsibilities, powers, and duties set forth in this compact and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.

(b) The interstate commission shall consist of commissioners appointed by the appropriate appointing authority in each state pursuant to the rules and requirements of each compacting state and in consultation with the State Council for Interstate Juvenile Supervision created by this compact. The commissioner shall be the compact administrator, deputy compact administrator, or designee from that state who shall serve on the interstate commission in such capacity under or pursuant to the applicable law of the compacting state.

(c) In addition to the commissioners who are the voting representatives of each state, the interstate commission shall include individuals who are not commissioners, but who are members of interested organizations. Such noncommissioner members shall include a member of the Interstate Compact for Adult Offender Supervision and Interstate Compact for the Placement of Children and the national organizations of governors, legislators, state chief justices, attorneys general, juvenile justice and juvenile corrections officials, and crime victims. All noncommissioner members of the interstate commission shall be ex officio, nonvoting members. The interstate commission may provide in its bylaws for such additional ex officio members, including members of other national organizations, in such numbers as shall be determined by the interstate commission.

(d) Each compacting state represented at any meeting of the interstate commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the interstate commission.

(e) The interstate commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the compacting states, shall call additional meetings. Public notice shall be given of all meetings, and meetings shall be open to the public.

(f) The interstate commission shall establish an executive committee which shall include interstate commission officers, members, and others as determined by the bylaws. The executive committee shall have the power to act on behalf of the interstate commission

1 during periods when the interstate commission is not in session, with the exception of rule  
2 making and amendment to this compact. The executive committee shall oversee the  
3 day-to-day activities of the administration of this compact managed by an executive  
4 director and interstate commission staff; administer enforcement and compliance with this  
5 provisions of this compact and its bylaws and rules; and perform such other duties as  
6 directed by the interstate commission or set forth in the bylaws.

7 (g) Each member of the interstate commission shall have the right and power to cast a vote  
8 to which that compacting state is entitled and to participate in the business and affairs of  
9 the interstate commission. A member shall vote in person and shall not delegate a vote to  
10 another compacting state. However, a commissioner, in consultation with the state council,  
11 shall appoint another authorized representative, in the absence of the commissioner from  
12 that state, to cast a vote on behalf of the compacting state at a specified meeting. The  
13 bylaws may provide for members' participation in meetings by telephone or other means  
14 of telecommunication or electronic communication.

15 (h) The interstate commission's bylaws shall establish conditions and procedures under  
16 which the interstate commission shall make its information and official records available  
17 to the public for inspection or copying. The interstate commission may exempt from  
18 disclosure any information or official records to the extent they would adversely affect  
19 personal privacy rights or proprietary interests.

20 (i) Public notice shall be given of all meetings, and all meetings shall be open to the  
21 public, except as set forth in the rules or as otherwise provided in this compact. The  
22 interstate commission and any of its committees may close a meeting to the public where  
23 it determines by two-thirds' vote that an open meeting would be likely to:

24 (1) Relate solely to the interstate commission's internal personnel practices and  
25 procedures;

26 (2) Disclose matters specifically exempted from disclosure by statute;

27 (3) Disclose trade secrets or commercial or financial information which is privileged or  
28 confidential;

29 (4) Involve accusing any person of a crime or formally censuring any person;

30 (5) Disclose information of a personal nature where disclosure would constitute a clearly  
31 unwarranted invasion of personal privacy;

32 (6) Disclose investigative records compiled for law enforcement purposes;

33 (7) Disclose information contained in or related to examination, operating, or condition  
34 reports prepared by, or on behalf of or for the use of, the interstate commission with  
35 respect to a regulated person or entity for the purpose of regulation or supervision of such  
36 person or entity;

(8) Disclose information, the premature disclosure of which would significantly endanger the stability of a regulated person or entity; or

(9) Specifically relate to the interstate commission's issuance of a subpoena or its participation in a civil action or other legal proceeding.

(j) For every meeting closed pursuant to paragraphs (1) through (9) of subsection (i) of this article, the interstate commission's legal counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be closed to the public and shall reference each relevant exemptive provision. The interstate commission shall keep minutes which shall fully and clearly describe all matters discussed in any meeting and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any roll-call vote as reflected in the vote of each member on the question. All documents considered in connection with any action shall be identified in such minutes.

(k) The interstate commission shall collect standardized data concerning the interstate movement of juveniles as directed through its rules which shall specify the data to be collected, the means of collection, and data exchange and reporting requirements. Such methods of data collection, exchange, and reporting shall insofar as is reasonably possible conform to current technology and coordinate its information functions with the appropriate repository of records.

#### ARTICLE IV

##### Powers and Duties of the Interstate Commission.

(a) The interstate commission shall have the following powers and duties:

(1) To provide for dispute resolution among compacting states;

(2) To promulgate rules to effect the purposes and obligations as enumerated in this compact which shall have the force and effect of statutory law and shall be binding on the compacting states to the extent and in the manner provided in this compact;

(3) To oversee, supervise, and coordinate the interstate movement of juveniles subject to the terms of this compact and any bylaws adopted and rules promulgated by the interstate commission;

(4) To enforce compliance with the compact provisions, the rules promulgated by the interstate commission, and the bylaws using all necessary and proper means, including but not limited to the use of judicial process;

(5) To establish and maintain offices which shall be located within one or more of the compacting states;

(6) To purchase and maintain insurance and bonds;

1 (7) To borrow, accept, hire, or contract for services of personnel;

2 (8) To establish and appoint committees and hire staff which it deems necessary for the  
3 carrying out of its functions, including but not limited to an executive committee as  
4 required by Article III which shall have the power to act on behalf of the interstate  
5 commission in carrying out its powers and duties;

6 (9) To elect or appoint such officers, attorneys, employees, agents, or consultants and to  
7 fix their compensation, define their duties, and determine their qualifications; and to  
8 establish the interstate commission's personnel policies and programs relating to, inter  
9 alia, conflicts of interest, rates of compensation, and qualifications of personnel;

10 (10) To accept any and all donations and grants of money, equipment, supplies,  
11 materials, and services; and to receive, utilize, and dispose of the same;

12 (11) To lease, purchase, accept contributions or donations of, or otherwise to own, hold,  
13 improve, or use any property whether real, personal, or mixed;

14 (12) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose  
15 of any property whether real, personal, or mixed;

16 (13) To establish a budget and make expenditures and levy dues as provided in Article  
17 VIII of this compact;

18 (14) To sue and be sued;

19 (15) To adopt a seal and bylaws governing the management and operation of the  
20 interstate commission;

21 (16) To perform such functions as may be necessary or appropriate to achieve the  
22 purposes of this compact;

23 (17) To report annually to the legislatures, governors, judiciary, and state councils of the  
24 compacting states concerning the activities of the interstate commission during the  
25 preceding year; such reports shall also include any recommendations that may have been  
26 adopted by the interstate commission;

27 (18) To coordinate education, training, and public awareness regarding the interstate  
28 movement of juveniles for officials involved in such activity; and

29 (19) To establish uniform standards of the reporting, collecting, and exchanging of data.

30 (b) The interstate commission shall maintain its corporate books and records in accordance  
31 with the bylaws.



## ARTICLE V

## Organization and Operation of the Interstate Commission.

## SECTION A.

## Bylaws.

(a) The interstate commission shall, by a majority of the members present and voting, within 12 months after the first interstate commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of this compact, including, but not limited to:

(1) Establishing the fiscal year of the interstate commission;

(2) Establishing an executive committee and such other committees as may be necessary;

(3) Providing for the establishment of committees governing any general or specific delegation of any authority or function of the interstate commission;

(4) Providing reasonable procedures for calling and conducting meetings of the interstate commission and ensuring reasonable notice of each such meeting;

(5) Establishing the titles and responsibilities of the officers of the interstate commission;

(6) Providing a mechanism for concluding the operations of the interstate commission and the return of any surplus funds that may exist upon the termination of the compact after the payment or reserving of all of its debts and obligations;

(7) Providing "start-up" rules for initial administration of the compact; and

(8) Establishing standards and procedures for compliance and technical assistance in carrying out the compact.

## SECTION B.

## Officers and Staff.

(a) The interstate commission shall, by a majority of the members, elect annually from among its members a chairperson and a vice chairperson, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice chairperson shall preside at all meetings of the interstate commission. The officers so elected shall serve without compensation or remuneration from the interstate commission, provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for any ordinary and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the interstate commission.

(b) The interstate commission shall, through its executive committee, appoint or retain an executive director for such period, upon such terms and conditions and for such

1 compensation as the interstate commission may deem appropriate. The executive director  
2 shall serve as secretary to the interstate commission, but shall not be a member, and shall  
3 hire and supervise such other staff as may be authorized by the interstate commission.

4 SECTION C.

5 Qualified Immunity, Defense, and Indemnification.

6 (a) The interstate commission's executive director and employees shall be immune from  
7 suit and liability, either personally or in their official capacity, for any claim for damage  
8 to or loss of property or personal injury or other civil liability caused by or arising out of  
9 or relating to any actual or alleged act, error, or omission that occurred, or that such person  
10 had a reasonable basis for believing occurred, within the scope of interstate commission  
11 employment, duties, or responsibilities, provided that any such person shall not be  
12 protected from suit or liability for any damage, loss, injury, or liability caused by the  
13 intentional or willful and wanton misconduct of any such person.

14 (b) The liability of any commissioner, or the employee or agent of a commissioner, acting  
15 within the scope of such person's employment or duties for acts, errors, or omissions  
16 occurring within such person's state may not exceed the limits of liability set forth under  
17 the constitution and laws of that state for state officials, employees, and agents. Nothing  
18 in this subsection shall be construed to protect any such person from suit or liability for any  
19 damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct  
20 of any such person.

21 (c) The interstate commission shall defend the executive director or the employees or  
22 representatives of the interstate commission and, subject to the approval of the attorney  
23 general of the state represented by any commissioner of a compacting state, shall defend  
24 such commissioner or the commissioner's representatives or employees in any civil action  
25 seeking to impose liability arising out of any actual or alleged act, error, or omission that  
26 occurred within the scope of interstate commission employment, duties, or responsibilities,  
27 or that the defendant had a reasonable basis for believing occurred within the scope of  
28 interstate commission employment, duties, or responsibilities, provided that the actual or  
29 alleged act, error, or omission did not result from intentional or willful and wanton  
30 misconduct on the part of such person.

31 (d) The interstate commission shall indemnify and hold the commissioner of a compacting  
32 state, the commissioner's representatives or employees, or the interstate commission's  
33 representatives or employees harmless in the amount of any settlement or judgment  
34 obtained against such persons arising out of any actual or alleged act, error, or omission  
35 that occurred within the scope of interstate commission employment, duties, or

responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

## ARTICLE VI

### Rule-making Functions of the Interstate Commission.

(a) The interstate commission shall promulgate and publish rules in order to effectively and efficiently achieve the purposes of this compact.

(b) Rule making shall occur pursuant to the criteria set forth in this article and the bylaws and rules adopted pursuant to this article. Such rule making shall substantially conform to the principles of the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000), or such other administrative procedures act, as the interstate commission deems appropriate consistent with due process requirements under the United States Constitution as now or hereafter interpreted by the United States Supreme Court. All rules and amendments shall become binding as of the date specified, as published with the final version of the rule as approved by the interstate commission.

(c) When promulgating a rule, the interstate commission shall, at a minimum:

(1) Publish the proposed rule's entire text, stating the reason or reasons for that proposed rule;

(2) Allow and invite any and all persons to submit written data, facts, opinions, and arguments which shall be added to the record and made publicly available;

(3) Provide an opportunity for an informal hearing if petitioned by ten or more persons; and

(4) Promulgate a final rule and its effective date, if appropriate, based on input from state or local officials or interested parties.

(d) The interstate commission shall allow, not later than 60 days after a rule is promulgated, any interested person to file a petition in the United States District Court for the District of Columbia or in the federal district court where the interstate commission's principal office is located for judicial review of such rule. If the court finds that the interstate commission's action is not supported by substantial evidence in the rule-making record, the court shall hold the rule unlawful and set it aside. For purposes of this subsection, evidence is substantial if it would be considered substantial evidence under the "Model State Administrative Procedures Act."

(e) If a majority of the legislatures of the compacting states rejects a rule, those states may, by enactment of a statute or resolution in the same manner used to adopt this compact, cause such rule to have no further force and effect in any compacting state.

(f) The existing rules governing the operation of the Interstate Compact on Juveniles superseded by this compact shall be null and void 12 months after the first meeting of the interstate commission created by this compact.

(g) Upon determination by the interstate commission that a state of emergency exists, it may promulgate an emergency rule which shall become effective immediately upon adoption, provided that the usual rule-making procedures provided by this article shall be retroactively applied to said rule as soon as reasonably possible, but no later than 90 days after the effective date of the emergency rule.

## ARTICLE VII

### Oversight, Enforcement, and Dispute Resolution by the Interstate Commission.

#### SECTION A.

##### Oversight.

(a) The interstate commission shall oversee the administration and operations of the interstate movement of juveniles subject to this compact in the compacting states and shall monitor such activities being administered in noncompacting states which may significantly affect compacting states.

(b) The courts and executive agencies in each compacting state shall enforce this compact and shall take all actions necessary and appropriate to effectuate this compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall be received by all the judges, public officers, commissions, and departments of the state government as evidence of the authorized statute and administrative rules. All courts shall take judicial notice of this compact and the rules. In any judicial or administrative proceeding in a compacting state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the interstate commission, it shall be entitled to receive all service of process in any such proceeding and shall have standing to intervene in the proceeding for all purposes.

## SECTION B.

## Dispute Resolution.

(a) The compacting states shall report to the interstate commission on all issues and activities necessary for the administration of this compact as well as issues and activities pertaining to compliance with the provisions of this compact and the interstate commission's bylaws and rules.

(b) The interstate commission shall attempt, upon the request of a compacting state, to resolve any disputes or other issues which are subject to this compact and which may arise among compacting states and between compacting and noncompacting states. The interstate commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes among the compacting states.

(c) The interstate commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact using any or all means set forth in Article XI of this compact.

## ARTICLE VIII

## Finance.

(a) The interstate commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities.

(b) The interstate commission shall levy on and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the interstate commission and its staff which must be in a total amount sufficient to cover the interstate commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the interstate commission, taking into consideration the population of each compacting state and the volume of interstate movement of juveniles in each compacting state and shall promulgate a rule binding upon all compacting states which governs said assessment.

(c) The interstate commission shall not incur any obligations of any kind prior to securing the funds adequate to meet the same; nor shall the interstate commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.

(d) The interstate commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the interstate commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the interstate commission shall be audited

1 yearly by a certified or licensed public accountant and the report of the audit shall be  
2 included in and become part of the annual report of the interstate commission.

### 3 ARTICLE IX

#### 4 The State Council.

5 Each member state shall create a State Council for Interstate Juvenile Supervision. While  
6 each state may determine the membership of its own state council, its membership must  
7 include at least one representative from the legislative, judicial, and executive branches of  
8 government, victims groups, and the compact administrator, deputy compact administrator,  
9 or designee. Each compacting state retains the right to determine the qualifications of the  
10 compact administrator or deputy compact administrator. Each state council shall advise  
11 and may exercise oversight and advocacy concerning that state's participation in interstate  
12 commission activities and other duties as may be determined by that state, including but  
13 not limited to development of policy concerning operations and procedures of this compact  
14 within that state.

### 15 ARTICLE X

#### 16 Compacting States, Effective Date, and Amendment.

17 (a) Any state as defined in Article II of this compact is eligible to become a compacting  
18 state.

19 (b) This compact shall become effective and binding upon legislative enactment of this  
20 compact into law by no less than 35 of the states. The initial effective date shall be upon  
21 enactment into law by the thirty-fifth jurisdiction. Thereafter, it shall become effective and  
22 binding as to any other compacting state upon enactment of this compact into law by that  
23 state. The governors of noncompacting states or their designees shall be invited to  
24 participate in the activities of the interstate commission on a nonvoting basis prior to  
25 adoption of the compact by all states and territories of the United States.

26 (c) The interstate commission may propose amendments to this compact for enactment by  
27 the compacting states. No amendment shall become effective and binding upon the  
28 interstate commission and the compacting states unless and until it is enacted into law by  
29 unanimous consent of the compacting states.

## ARTICLE XI

## Withdrawal, Default, Termination, and Judicial Enforcement.

## SECTION A.

## Withdrawal.

(a) Once effective, this compact shall continue in force and remain binding upon each and every compacting state, provided that a compacting state may withdraw from the compact by specifically repealing the statute which enacted this compact into law.

(b) The effective date of withdrawal is the effective date of the repeal.

(c) The withdrawing state shall immediately notify the chairperson of the interstate commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The interstate commission shall notify the other compacting states of the withdrawing state's intent to withdraw within 60 days of its receipt thereof.

(d) The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including any obligations the performance of which extend beyond the effective date of withdrawal.

(e) Reinstatement following withdrawal of any compacting state shall occur upon the withdrawing state's reenacting this compact or upon such later date as determined by the interstate commission.

## SECTION B.

## Technical Assistance, Fines, Suspension, Termination, and Default.

(a) If the interstate commission determines that any compacting state has at any time defaulted in the performance of any of its obligations or responsibilities under this compact, or the bylaws or duly promulgated rules, the interstate commission may impose any or all of the following penalties:

(1) Remedial training and technical assistance as directed by the interstate commission;

(2) Alternative dispute resolution;

(3) Fines, fees, and costs in such amounts as are deemed to be reasonable as fixed by the interstate commission; and

(4) Suspension or termination of membership in this compact, which shall be imposed only after all other reasonable means of securing compliance under the bylaws and rules have been exhausted and the interstate commission has therefore determined that the offending state is in default. Immediate notice of suspension shall be given by the interstate commission to the governor, the chief justice or the chief judicial officer of the state; the majority and minority leaders of the defaulting state's legislature; and the state

1 council. Grounds for default include, but are not limited to, failure of a compacting state  
2 to perform such obligations or responsibilities imposed upon it by this compact, the  
3 bylaws, or duly promulgated rules and any other grounds designated in interstate  
4 commission bylaws and rules. The interstate commission shall immediately notify the  
5 defaulting state in writing of the penalty imposed by the interstate commission and of the  
6 default pending a cure of the default. The interstate commission shall stipulate the  
7 conditions and the time period within which the defaulting state must cure its default. If  
8 the defaulting state fails to cure the default within the time period specified by the  
9 interstate commission, the defaulting state shall be terminated from this compact upon  
10 an affirmative vote of a majority of the compacting states; and all rights, privileges, and  
11 benefits conferred by this compact shall be terminated from the effective date of  
12 termination.

13 (b) Within 60 days of the effective date of termination of a defaulting state, the interstate  
14 commission shall notify the governor, the chief justice or chief judicial officer, the majority  
15 and minority leaders of the defaulting state's legislature, and the state council of such  
16 termination.

17 (c) The defaulting state is responsible for all assessments, obligations, and liabilities  
18 incurred through the effective date of termination, including any obligations the  
19 performance of which extends beyond the effective date of termination.

20 (d) The interstate commission shall not bear any costs relating to the defaulting state unless  
21 otherwise mutually agreed upon in writing between the interstate commission and the  
22 defaulting state.

23 (e) Reinstatement following termination of any compacting state requires both a  
24 reenactment of this compact by the defaulting state and the approval of the interstate  
25 commission pursuant to the rules.

## 26 SECTION C.

### 27 Judicial Enforcement.

28 The interstate commission may, by majority vote of the members, initiate legal action in  
29 the United States District Court for the District of Columbia or, at the discretion of the  
30 interstate commission, in the federal district where the interstate commission has its offices,  
31 to enforce compliance with the provisions of this compact, and its duly promulgated rules  
32 and bylaws, against any compacting state in default. In the event judicial enforcement is  
33 necessary, the prevailing party shall be awarded all costs of such litigation, including  
34 reasonable attorneys' fees.



## 1 SECTION D.

## 2 Dissolution of Compact.

3 (a) This compact dissolves effective upon the date of the withdrawal or default of a  
4 compacting state which reduces membership in this compact to one compacting state.

5 (b) Upon the dissolution of this compact, the compact becomes null and void and shall be  
6 of no further force or effect, and the business and affairs of the interstate commission shall  
7 be concluded and any surplus funds shall be distributed in accordance with the bylaws.

## 8 ARTICLE XII.

## 9 Severability and Construction.

10 (a) The provisions of this compact shall be severable, and if any phrase, clause, sentence,  
11 or provision is deemed unenforceable, the remaining provisions of this compact shall be  
12 enforceable.

13 (b) The provisions of this compact shall be liberally construed to effectuate its purposes.

## 14 ARTICLE XIII

## 15 Binding Effect of Compact and Other Laws.

## 16 SECTION A.

## 17 Other laws.

18 (a) Nothing in this compact prevents the enforcement of any other law of a compacting  
19 state that is not inconsistent with this compact.

20 (b) All compacting states' laws other than state constitutions and other interstate compacts  
21 conflicting with this compact are superseded to the extent of the conflict.

## 22 SECTION B.

## 23 Binding Effect of the Compact.

24 (a) All lawful actions of the interstate commission, including all rules and bylaws  
25 promulgated by the interstate commission, are binding upon the compacting states.

26 (b) All agreements between the interstate commission and the compacting states are  
27 binding in accordance with their terms.

28 (c) Upon the request of a party to a conflict over the meaning or interpretation of interstate  
29 commission actions, and upon a majority vote of the compacting states, the interstate  
30 commission may issue advisory opinions regarding such meaning or interpretation.

(d) In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any compacting state, the obligations, duties, powers, or jurisdiction sought to be conferred by such provision upon the interstate commission shall be ineffective; and such obligations, duties, powers, or jurisdiction shall remain in the compacting state and shall be exercised by the agency of that state to which such obligations, duties, powers, or jurisdiction are delegated by law in effect at the time this compact becomes effective.'

15-11-222.

Pursuant to the compact, the Governor is authorized and empowered to designate an officer who shall be the compact administrator and who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms of the compact. The compact administrator shall serve subject to the pleasure of the Governor. The compact administrator is authorized, empowered, and directed to cooperate with all departments, agencies, and officers of and in the government of this state and its subdivisions in facilitating the proper administration of the compact or of any supplementary agreement or agreements entered into by this state under the compact.

15-11-223.

Funds appropriated to any department, division, or agency of this state may be expended for the purpose of carrying out this article. Such department, division, or agency, in all programs carried out pursuant to this article involving allocation or expenditure of funds, shall be governed and controlled by Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act,' and by any appropriation acts and all other laws pertaining to the handling and expenditure of state funds. Subject to this Code section, the compact administrator is authorized to make or arrange to make any payments necessary to discharge any financial obligations imposed upon this state by the compact or any supplementary agreement entered into under the compact.

15-11-224.

The courts, departments, agencies, and officers of this state and its subdivisions shall enforce the compact and shall do all things appropriate to the effectuation of its purposes and intent which may be within their respective jurisdictions.

15-11-225.

In addition to any procedure provided in the compact for the return of any runaway juvenile, the particular states, the juvenile or his or her parents, the courts, or other legal

1     custodian involved may agree upon and adopt any other plan or procedure legally  
2     authorized under the laws of this state and the other respective party states for the return  
3     of any such runaway juvenile.

4     15-11-226.

5     With respect to The Interstate Compact for Juveniles set out in Code Section 15-11-221:

6         (1) The Governor shall by executive order establish the initial composition, terms, and  
7         compensation of the Georgia State Council for Interstate Juvenile Supervision required  
8         by Article IX of that compact, with the Governor making the appointments to those  
9         positions; except that any appointment to a position representing the legislative branch  
10        shall be made jointly by the Speaker of the House of Representatives and the Lieutenant  
11        Governor and any appointment to a position representing the judicial branch shall be  
12        made by the Chief Justice of the Supreme Court;

13       (2) The Governor shall by executive order establish the qualifications, term, and  
14       compensation of the compact administrator required by Article III of that compact, with  
15       the state council making the appointment of the compact administrator;

16       (3) The Governor shall by executive order provide for any other matters necessary for  
17       implementation of the compact at the time that it becomes effective; and

18       (4) Except as otherwise provided for in this Code section, the Board of Juvenile Justice  
19       may promulgate rules or regulations necessary to implement and administer the compact,  
20       subject to the provisions of Chapter 13 of Title 50, the 'Georgia Administrative Procedure  
21       Act.'"

## 22                                   **PART II**

### 23                                   **SECTION 2-1.**

24     Title 39 of the Official Code of Georgia Annotated, relating to minors, is amended by  
25     repealing Chapter 3, relating to the Interstate Compact on Juveniles, and designating said  
26     chapter as reserved.

### 27                                   **SECTION 2-2.**

28     Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended  
29     by revising paragraph (3) of subsection (a) of Code Section 49-4A-7, relating to the powers  
30     and duties of the Department of Juvenile Justice, as follows:

31         "(3) Provide casework services and care or payment of maintenance costs for children  
32         and youths who have run away from their home communities within this state or from  
33         their home communities in this state to another state or from their home communities in

1 another state to this state; pay the costs of returning such runaway children and youths  
2 to their home communities; and provide such services, care, or costs for runaway children  
3 and youths as may be required under ~~Chapter 3 of Title 39~~ Article 7 of Chapter 11 of  
4 Title 15;"

### 5 SECTION 2-3.

6 Said title is further amended by revising subparagraph (a)(3)(D) of Code Section 49-5-8,  
7 relating to the powers and duties of the Department of Human Resources, as follows:

8 "(D) Providing casework services and care or payment of maintenance costs for  
9 children and youths who have run away from their home communities within this state,  
10 or from their home communities in this state to another state, or from their home  
11 communities in another state to this state; paying the costs of returning such runaway  
12 children and youths to their home communities; and providing such services, care, or  
13 costs for runaway children and youths as may be required under ~~Chapter 3 of Title 39~~  
14 Article 7 of Chapter 11 of Title 15;"

## 15 PART III

### 16 SECTION 3-1.

17 (a) Part I of this Act shall become effective on July 1, 2007, or upon enactment by no fewer  
18 than 35 states of The Interstate Compact for Juveniles in substantially the form set out in Part  
19 I of this Act, whichever occurs last. For purposes of this subsection, the term "state" shall  
20 have the meaning provided by Part I of this Act.

21 (b) The Governor is authorized and directed to renounce the compact provided by Code  
22 Section 39-3-2 by giving six months' notice of withdrawal in accordance with Article XIV  
23 of said compact within 30 days after Part I of this Act has become effective as provided in  
24 subsection (a) of this section. In determining whether or not Part I of this Act has become  
25 effective as provided in subsection (a) of this section, the Governor is authorized to rely upon  
26 the written representation of the Council of State Governments.

27 (c) Part II of this Act shall become effective upon the effective date of the Governor's  
28 withdrawal from the compact provided by Code Section 39-3-2 in accordance with  
29 subsection (b) of this section.

30 (d) Part III shall become effective on July 1, 2007.

### 31 SECTION 3-2.

32 All laws and parts of laws in conflict with this Act are repealed.